

FCC MAIL SERVICE

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
FM Table of Allotments,) MB Docket No. 04-204
FM Broadcast Stations.) RM-10661
(Calhoun, Georgia))
)
Reclassification of License) BLH-20000929AEE
of Station WYSF(FM), Birmingham, Alabama)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 17, 2004

Released: November 22, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* ("Notice")¹ issued at the request of SSR Communications Incorporated ("Petitioner") requesting the allotment of Channel 233A at Calhoun, Georgia, as its first local FM commercial aural broadcast service.² To accommodate the proposed Calhoun allotment, Station WYSF(FM), Birmingham, Alabama must specify operation as a Class C0 facility pursuant to the Commission's reclassification procedures.³ Petitioner filed comments. No counterproposals or additional comments were received in response to this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 233A at Calhoun, Georgia, as its first FM commercial aural broadcast service. To accommodate the proposed Calhoun allotment, Petitioner requested the reclassification of license for Station WYSF(FM), Birmingham, Alabama to specify operation on Channel 233C0 in lieu of Channel 233C.⁴ An *Order to Show Cause* was issued to Citadel Broadcasting Company ("Citadel"), licensee of Station WYSF(FM), Birmingham, Alabama, affording it 30 days to express in writing an intention to seek authority to upgrade its technical facilities to preserve Class C status, or to otherwise challenge the proposed action.⁵ No response was received from Citadel. In response to the *Notice*, Petitioner filed comments stating that it would file the necessary application to implement the proposed Calhoun allotment, if allotted.

¹ Calhoun, Georgia, 19 FCC Rcd 9250 (MB 2004).

² AM Stations WJTH and WEBS are licensed to Calhoun.

³ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000); see also note 2 to Section 1.420(g) and note 4 to Section 73.3573 of the Commission's Rules.

⁴ Station WYSF(FM) operates on Channel 233C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 309 meters height above average terrain ("HAAT"), which is below the minimum Class C facilities of 451 meters HAAT and 100 kilowatts ERP. The distance between the required site for proposed Channel 233A at Calhoun and Station WYSF(FM)'s licensed site at Birmingham is 220.3 kilometers. A minimum distance separation of 226 kilometers is required in this instance.

⁵ See *Reclassification of License of Station WYSF(FM), Birmingham, Alabama*, 18 FCC Rcd 22027 (MB 2003).

3. **Discussion.** Based on the foregoing, we believe the public interest will be served by allotting Channel 233A to Calhoun because it would provide Calhoun with its first FM local commercial aural broadcast service. Therefore, in accordance with the Commission's reclassification procedures noted above, we are reclassifying the license of Station WYSF(FM) to specify operation on Channel 233C0 instead of Channel 233C at Birmingham.⁶

4. As discussed in the *Notice*, Calhoun is an incorporated community located in Gordon County with a 2000 U.S. Census population of 10,667 persons. In support of its proposal, Petitioner asserts that Calhoun is a *bona fide* community for allotment purposes because it is home to many businesses and organizations identifying themselves with that locality. Calhoun has its own local government, school system, fire department, water treatment plant, and several churches, restaurants, and banks.

5. Channel 233A at Calhoun can be allotted consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction of 10.8 kilometers (6.7 miles) east of the community.⁷ This site restriction will ensure full-spacing to Station WMUU(FM)'s licensed Channel 233C facilities at Greenville, South Carolina.

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

7. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective January 6, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Birmingham, Alabama	229C, 233C0, 243C0, 258C, 284C, 299C
Calhoun, Georgia	233A

7. The window period for filing applications for Channel 233A at Calhoun will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

⁶ File No. BLH-20000929AEE.

⁷ The reference coordinates for Channel 233A at Calhoun are 34-31-48 NL and 84-50-19 WL.

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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